

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

CRIMINAL JUSTICE ACT PLAN

I. AUTHORITY

Pursuant to the Criminal Justice Act of 1964 (18 U.S.C. § 3006A)[hereinafter referred to as the CJA], and the Guidelines for the Administration of the Criminal Justice Act, Volume VII, Guide to Judicial Policies and Procedures (CJA Guidelines), the Judges of the United States District Court for the Northern District of Alabama adopt the following amended plan for furnishing representation in federal court to any person financially unable to obtain adequate representation.

II. STATEMENT OF POLICY

A. Objectives.

1. The principal objective of this Plan is to attain the goal of equality before the law for all persons. This Plan, therefore, shall be administered so that those accused of crime, or otherwise eligible for service pursuant to the CJA, will not be deprived, because they are financially unable to pay for adequate representation, of any element of representation necessary to an effective defense.

2. A second objective of the Plan, and one designed to further the principal objective, is to limit the size of the CJA Panel of Attorneys to a number that will insure that Panel attorneys have adequate skill and experience necessary for representation of the accused in federal court, and to facilitate proper training and professional development of the Panel members.

3. The further objective of this Plan is to particularize the requirements of the CJA and the CJA Guidelines in a way that meets the needs of this District.

B. Compliance.

1. The Court, its Clerk, and private attorneys appointed under the CJA shall comply with the CJA Guidelines approved by the Judicial Conference of the United States and/or its Committee on Defender Services and with this Plan.

2. Each private attorney shall be provided by the Clerk of Court with a then-current copy of this Plan upon the attorney's first appointment under the CJA or designation as a member of the Panel of Private Attorneys under the Criminal Justice Act (CJA Panel). The Clerk shall maintain a current copy of the CJA Guidelines for the use of members of the CJA Panel and shall make known to such attorneys its availability.

III. PROVISION OF REPRESENTATION

A. Mandatory Appointment of Counsel

Representation shall be provided in this District for any financially eligible person who:

1. is charged with a felony;
2. is charged with a misdemeanor, unless the charge is a petty offense for which incarceration will not be imposed;
3. is a juvenile alleged to have committed an act of juvenile delinquency as defined in 18 U.S.C. § 5031;
4. is charged with a violation of probation or supervised release in a felony case or a misdemeanor case in which a term of imprisonment may be imposed (unless the presiding judicial officer announces in advance that a term of imprisonment will not be imposed);

5. is under arrest, when such representation is required by law;
6. is entitled to appointment of counsel in parole proceedings;
7. is subject to a mental condition hearing under 18 U.S.C. §§ 4241-4247;
8. is in custody as a material witness;
9. is seeking to set aside or vacate a death sentence under 28 U.S.C. §§ 2254 or 2255;
10. is entitled to appointment of counsel in verification of consent proceedings pursuant to a transfer of an offender to or from the United States for the execution of a penal sentence under 18 U.S.C. § 4109;
11. is entitled to appointment of counsel under the Sixth Amendment to the Constitution; or,
12. faces loss of liberty in a case, and federal law requires the appointment of counsel.

B. Discretionary Appointment of Counsel

Whenever the judicial officer determines that the interests of justice so require, representation may be provided in this District for a financially eligible person who:

1. is charged with a petty offense (Class B or C misdemeanor, or an infraction) for which a sentence to confinement is authorized;
2. is seeking relief, other than to set aside or vacate a death sentence, under 28 U.S.C. § 2241, 2254, or 2255;
3. is charged with civil or criminal contempt and faces a loss of liberty;

4. has been called as a witness before a grand jury, a court, the Congress, or a federal agency or commission which has the power to compel testimony, and there is reason to believe, either prior to or during testimony, that the witness could be subject to a criminal prosecution, a civil or criminal contempt proceeding, or faces a loss of liberty;

5. is proposed by the United States Attorney for processing under a pretrial diversion program; or,

6. is held for international extradition under Chapter 209 of Title 18, United States Code.

IV. GOVERNANCE OF THE CRIMINAL JUSTICE ACT SYSTEM

A. CJA Administrative Committee

1. Subject to the supervision of the Court, the administration of this Plan and governance of the CJA Panel created by this Plan shall be delegated to a committee composed of an active United States District Judge of the Court, a United States Magistrate Judge of the Court, the Panel Representative/Resource Counsel for the District, and three (3) to five (5) attorneys admitted to the bar of the Court and selected and appointed by the Court. Although not required, it is preferred that such attorneys be members of the CJA Panel. Also, it is preferred that such attorneys be appointed from the different geographical areas covered by the Northern District. Such committee shall be known as the “CJA Administrative Committee” and referred to herein as “the Committee.”

2. The United States District Judge, the United States Magistrate Judge, and the Panel Representative/Resource Counsel for the District shall serve on the Committee for such length

of time as the Court may determine. The attorneys serving on the Committee shall be appointed for staggered three-year terms, with approximately one-third appointed initially for a three-year term, a second one-third being appointed initially for a two-year term, and the remainder being appointed initially for a one-year term. All appointments following the original appointments provided in the preceding sentence shall be for three years. Appointments to the committee are revocable by majority vote of the active judges of the Court. A successor appointed during the term of his/her predecessor appointee shall serve out the term of the predecessor appointee before being appointed to a full term. Attorneys serving on the Committee may be re-appointed and may serve more than one term.

3. The Chair of the Committee shall be selected from among the members of the Committee for renewable one-year terms, not to exceed three (3) consecutive terms.

4. Subject to oversight by the Court, the Committee shall have the principal responsibility for managing the CJA Panel, including the following powers and responsibilities:

a. Reviewing and determining applications by attorneys for admission to the CJA Panel, and assigning the Tier of the CJA Panel (see Section V.C. below) to which the attorney is admitted.

b. Determining whether attorneys admitted to the CJA Panel should be removed for any reason, including, but not limited to, poor service, misconduct, incompetence, mental or physical disability, or failure to comply with training and continuing legal education requirements.

c. Planning and providing educational and professional-training opportunities to members of the CJA Panel.

d. Reviewing, at the request of a judicial officer or CJA panel attorney, submitted payment vouchers for reasonableness and compliance with appropriate Administrative Office guidelines.

e. Investigating complaints against or involving members of the CJA Panel, and imposing appropriate disciplinary sanctions, including admonishment, reprimand, suspension from the CJA Panel, and/or removal from the CJA Panel.

f. Identifying and defining any operating difficulties encountered in the administration of the CJA Panel and making recommendations to the Court for appropriate changes.

g. Such other powers and responsibilities as are necessary and proper to the management and regulation of the CJA Panel.

5. The Clerk of Court, or his or her designee, and the District Court Training Coordinator shall be ex officio, non-voting members of the committee. The Committee will be permitted to use the staff of the Clerk for clerical and record-keeping matters, and from time to time, the Committee may invite other persons, such as a representative of the United States Probation Office or the United States Marshals Service, to address issues of concern to the Committee.

6. Attorney members of the Committee shall serve without compensation, and nothing herein shall be construed as creating or vesting any right or privilege.

B. Responsibility of the Court

Although this Plan establishes the CJA Administrative Committee to exercise principal responsibility for management of the CJA Plan and System and to advise the Court in matters concerning the CJA System, the Court retains the ultimate responsibility for management

and operation of the CJA Panel, and may, by majority vote of the active district judges, modify or override any action taken by the Committee.

C. Voucher Review

1. Any judicial officer charged with approving a request for payment under the Criminal Justice Act (referred to herein as the “reviewing judicial officer”) may request that the Committee review a submitted payment voucher for reasonableness and compliance with applicable CJA Guidelines. See GUIDE TO JUDICIARY POLICIES AND PRACTICES, Vol. 7, Chap. 2, ¶ 2.22E. The Committee may make a recommendation to the judicial officer concerning payment, modification, or rejection of the submitted payment voucher. The Committee shall meet and review such vouchers within twenty (20) days after any such request. In conducting the review, the Committee may seek additional information from the judicial officer requesting the review, the attorney who submitted the voucher, or any other source of information relevant to the voucher. In the event the Committee determines that the amount claimed in a voucher should be reduced or modified, it shall notify counsel of that action, giving a brief statement of the reason(s) for the reduction. Counsel shall be given ten (10) days after such notice to respond to it in writing or in person, as the Committee may determine. The Committee shall make its recommendation to the judicial officer within forty (40) days of the initial request for review, supplying a copy of its recommendation to the affected attorney.

2. Panel attorneys submitting vouchers for payment for services under the Criminal Justice Act may request a review of the submitted voucher in any instance in which a judicial officer has expressed concerns about the voucher or has reduced the amount of payment claimed. The attorney shall submit a written request for review to the Clerk of Court not later than fourteen (14) calendar

days after notification that the submitted voucher has been reduced or otherwise questioned by the judicial officer. The courtroom deputy to whom the voucher is returned following review and approval by the reviewing judicial officer shall notify the attorney by a docket-event entry in the CM/ECF system that the voucher has been signed and that the fourteen-day period for the attorney to request review before the CJA committee has commenced. The fourteen-day time period runs from the date of this docket entry. Weekends and holidays are not excluded from calculation of the fourteen-day time period, except that if the last day falls on a weekend or holiday, the attorney shall have until 5:00 p.m. the next business day to make his request for review. The Clerk shall forward the request to the chairman of the Committee, who shall notify the reviewing judicial officer that such a request for review has been made. If, within ten (10) days after notification, the reviewing judicial officer expressly agrees to the review of the voucher by the Committee, the chairman shall convene a meeting of the Committee within twenty (20) days after the submission of the request for review. If no timely written request for review is received by the Clerk, or if the reviewing judicial officer does not expressly agree to such a review, the voucher shall be processed in the ordinary course of business as approved by the reviewing judicial officer. In conducting the review, the Committee may seek additional information from the judicial officer requesting the review, the attorney who submitted the voucher, or any other source of information relevant to the voucher. The Committee shall make its recommendation to the reviewing judicial officer within forty (40) days of the initial request for review, supplying a copy of its recommendation to the affected attorney. Although the Committee may make a recommendation concerning the voucher, the final decision concerning payment, modification, or rejection of the voucher rests with the judicial officer who was assigned to the case in which the services claimed by counsel were performed.

V. CRIMINAL JUSTICE ACT PANEL

A. Limitation on the Size of the CJA Panel

The Committee shall, from time to time, determine the proper size of the CJA Panel within the range of not fewer than thirty (30) attorneys and not more than seventy-five (75) attorneys. Reductions in the size of the CJA Panel determined by the Committee to be appropriate shall be accomplished through attrition; provided, however, that nothing herein shall be construed as creating or vesting any right to be admitted to or to remain a member of the CJA Panel. Membership on the CJA Panel is at the discretion of the Committee and/or the Court.

B. Membership of the CJA Panel

1. Pursuant to the terms of this Plan, CJA Panel attorneys shall be members of the bar of this District. In addition to bar membership, the panel attorneys should have, in the judgment of the Committee, sufficient prior federal and/or state criminal trial experience, significant involvement in serious or complex criminal cases, knowledge of the Sentencing Guidelines and the Bail Reform Act, and knowledge of other relevant areas of criminal practice. Attorneys shall apply for admission to the CJA Panel by completing an application substantially in the form of Appendix I, annexed hereto.

2. The CJA Panel shall consist of attorneys recommended by the Committee and approved by a majority vote of the active judges of the District.

3. Those attorneys approved as provided in the preceding paragraph are appointed to the CJA Panel for a three-year term. As the expiration of the three-year term approaches, the Committee shall provide the Court with the names of those attorneys that, in the view of the Committee, should continue for another three-year term. The Court shall consider the

recommendations of the Committee and issue a letter or order reappointing those attorneys the Court wishes to continue serving on the panel. The responsibility for initiating this process rests with the Committee, and there is no need for a panel member to reapply for appointment.

4. To maintain his or her continued eligibility to serve on the CJA Panel, each attorney shall certify to the Committee that he or she has attended at least six hours of continuing legal education focused on criminal law and procedure sponsored or approved by the Committee during that calendar year. Failure of an attorney in any calendar year to comply with these requirements may result in the removal of the attorney from the CJA Panel.

5. An attorney may, during his or her three-year term, be removed from the Panel by a majority vote of the active district judges.

C. Panel Tiers

1. The CJA Panel shall consist of two tiers, identified as Tier One and Tier Two, and attorneys applying for admission to the CJA Panel shall be assigned to one of the tiers by the Committee, in its discretion, based upon the training, experience, and skill of the applicant. The objective is to place the most experienced and skilled attorneys in Tier One, and to assign attorneys with less experience in Tier Two. Certain Tier One attorneys may be further classified as suitable for appointment to “Complex” cases, such as death-penalty prosecutions or habeas actions, or other extraordinarily complex or difficult cases, and such attorneys shall be denominated as “Tier One-Complex” counsel. All other Tier One counsel shall be denominated “Tier One-General.”

2. Attorneys in the “Tier One-General” classification may be appointed to any case, with a preference for appointment to cases that are complex or which involve difficult or unusual defendants. Attorneys assigned to Tier One must have practiced law for at least five (5) years,

generally with an emphasis in federal criminal practice, and must have tried to completion at least five (5) federal criminal jury trials, or one (1) federal and at least (5) state felony trials.

3. Attorneys in the “Tier One-Complex” classification may be appointed to any case, but shall be the only attorneys appointed as lead counsel in extraordinarily complex or difficult cases such as death-penalty prosecutions, death-penalty habeas actions, cases involving intense media or public interest, or cases involving highly complex legal, evidentiary, or management problems. Tier One-Complex attorneys shall have practiced law at least ten (10) years and shall have tried to completion at least ten (10) federal criminal trials, or at least five (5) federal criminal trials and at least one (1) state death-penalty trial.

4. Attorneys who do not meet the minimum qualifications for assignment to Tier One shall be assigned to Tier Two of the CJA Panel. Tier Two is regarded as a developmental tier in which young or inexperienced attorneys may be assigned to handle misdemeanor or simple felony cases while developing their skills and experience. Notwithstanding the minimum qualifications described herein, an attorney may apply specially to the Committee for assignment to Tier One, describing any special circumstances, experience, or qualifications that may justify such an assignment notwithstanding the minimum qualifications described herein. In such instances, the decision whether to assign the attorney to Tier One or Tier Two shall be exclusively at the discretion of the Committee. Attorneys assigned to Tier Two shall be appointed only to misdemeanor and simple felony cases involving no more than two defendants in which the defendant to whom the Tier Two attorney shall be appointed is charged with no more than two counts. In cases qualifying under

AO Guidelines for appointment of more than one attorney,¹ a Tier Two lawyer may be appointed to assist a Tier One lawyer appointed as lead counsel. Additionally, Tier Two attorneys may volunteer to assist a Tier One attorney without compensation under the Criminal Justice Act.

5. In the event a judicial officer should determine that a Tier Two attorney was erroneously appointed beyond the limitations stated in the preceding paragraph, in his or her discretion, the judicial officer may remove and replace the erroneously appointed attorney with a Tier One attorney, appoint a Tier One attorney to assist the Tier Two attorney, or, if satisfied with the Tier Two attorney's performance, do nothing and allow the attorney to continue in the case. Nothing herein, however, shall be construed in any way as a basis for finding ineffective assistance of counsel.

VI. ASSIGNMENT OF CASES TO THE CJA PANEL

A. Within the limitations relating to the Panel Tiers described above and in sections B, C, and D below, assignment of cases to CJA Panel members shall be made on a random basis except where, due to the nature and/or complexity of the case, an attorney's experience, and/or geographical considerations require otherwise, a judicial officer directs the appointment of a particular panel member.

B. Under the direction of the Committee, the Clerk shall maintain a computerized master list of CJA panel members, divided by Tiers One and Two, from which the Clerk may direct the computer to randomly draw counsel for appointment. With respect to each panel member, the

¹ See GUIDE TO JUDICIARY POLICIES AND PROCEDURES, Vol. VII, Chapter II, Part B, §§ 2.11A. and B.

master list shall include the date of each appointment of the member, the case name and number, the date of each refusal (“pass”) by the panel member, and the reason for each pass. Although the master list shall not be made public, the Clerk shall also maintain a separate public record of assignments to the CJA Panel, reflecting, with respect to each member of the CJA Panel, the name of the defendant and the case number of the assignments such member has received.

C. For arraignment dockets, the magistrate judge responsible for the arraignment docket shall notify the Clerk of the number of CJA Panel members he anticipates needing at the docket for appointment to defendants who appear without counsel, specifying if possible whether and how many cases qualify for appointment of Tier Two attorneys. The Clerk shall then “draw” randomly the requisite number of Panel attorneys and notify the magistrate judge as to those Panel members drawn. The magistrate judge shall contact such attorneys to determine who among them is willing and able to appear at the arraignment docket. The magistrate judge may request that the Clerk “draw” additional Panel members until the magistrate judge has a sufficient number of Panel members needed for the docket.

D. If a panel member has repeatedly passed assignments, the Committee shall make such further inquiry as it deems appropriate, and take such action as may be proper, including making a recommendation to the Court for removal of the member from the CJA Panel.

VII. DUTIES OF LAW ENFORCEMENT AND RELATED AGENCIES

A. Presentation Of Accused For Appointment Of Counsel.

The United States Attorney or designee or the United States Marshal or designee shall contact the Clerk of the Court and arrange to have the arrested person promptly presented before a judicial officer for determination of financial eligibility and appointment of counsel.

B. Pretrial Services Interview.

1. Prior to any probation officer or pretrial services officer interviewing a person subject to proceedings under 18 U.S.C. § 3142 et. seq., the officer shall ask any person who is in custody, or who otherwise may be entitled to counsel under the Criminal Justice Act, whether he or she is financially able to secure representation. In those cases where the person says that he or she is unable to do so, the officer shall notify the person that he or she is entitled to the appointment of counsel before making any statement to the officer. The officer also shall notify the duty magistrate judge of the possible need for CJA counsel appointment, and, if appropriate, the duty magistrate judge shall direct the Clerk to promptly “draw” a Tier One CJA counsel from the computerized master list and notify counsel of the need to appear immediately to assist the arrested person. If counsel so drawn by the Clerk cannot be notified immediately, or is unable to appear immediately to assist the arrested person, the Clerk shall “draw” another Tier One CJA panel member and notify him or her. The Clerk shall continue this process until an attorney is secured to appear immediately to assist the arrested person.

2. Upon completion of the pretrial services interview and at the initial appearance before the court, the magistrate judge shall make such inquiries as are proper under the Criminal Justice Act, and either appoint the Panel member appearing with the arrested person, or remove or

relieve the Panel member from any further representation of the arrested person. In the event the Panel member is appointed by the court to represent the arrested person, the appointment shall be retroactive to the date and time the Panel member first began assisting the person.

C. Notice of Indictment or Criminal Information.

The Clerk of the Court shall, no later than first appearance, provide the accused with a copy of the applicable indictment, information, complaint, or petition to modify or revoke probation or supervised release.

VIII. DETERMINATION OF NEED FOR COUNSEL

A. Counsel For Persons Appearing Without An Attorney

_____ In every case in which a person is eligible for appointment of counsel pursuant to 18 U.S.C. § 3006A(a) and the person appears without counsel, the judicial officer shall advise that person that he or she has a right to be represented by counsel throughout the case and that counsel will be appointed to represent the person if so desired, if he or she is financially unable to obtain counsel. Whenever the person states that he or she is financially unable to obtain counsel and desires the appointment of counsel, the judicial officer shall inquire into and make a finding as to whether the person is financially able to obtain counsel.

B. Counsel For Persons Appearing With An Attorney

When an arrested person has been represented by counsel prior to his or her presentation before a judicial officer under circumstances where such representation is authorized by 18 U.S.C. § 3006A(a), counsel may subsequently apply to the judicial officer for approval of compensation *nunc pro tunc*. If an application is made to a magistrate judge, the magistrate judge shall submit a

recommendation to a judge of this Court for final approval. If the judge finds that the person has been and is then financially unable to obtain an adequate defense, and that representation was required by law, compensation will be made retroactive pursuant to 18 U.S.C. § 3006A(b).

IX. APPOINTMENT OF COUNSEL

A. The Judicial Officer.

1. In every case in which appointment of counsel pursuant to 18 U.S.C. § 3006A(a) is appropriate, the judicial officer shall appoint counsel promptly if it is found that the person is financially unable to obtain an attorney, unless the person waives his or her right to be represented by counsel.

2. The judicial officer shall appoint counsel from the CJA Panel, except in circumstances where, in the interest of justice, it becomes necessary to appoint some other qualified counsel. The person shall not have the right to select his or her appointed counsel from the CJA Panel, or otherwise.

3. Pursuant to 18 U.S.C. § 3005, a person charged with a capital offense is entitled to the appointment of two attorneys, at least one of whom shall be learned in the law applicable to capital cases. In appointing counsel in federal capital prosecutions, the Court shall consider the recommendation of the Office of Defender Services Division of the Administrative Office. If following the appointment of counsel in a case in which a defendant is charged with an offense that may be punishable by death, it is determined that the death penalty will not be sought, the Court may reconsider the question of the number of counsel needed.

4. If, at any time after the appointment of counsel, the judicial officer finds that the person is financially able to obtain counsel or make partial payment for the representation, the judicial officer may terminate the appointment of counsel or recommend that any funds available to the person be ordered paid as provided in 18 U.S.C. § 3006A(f).

5. If, at any stage of the trial proceedings, the judicial officer finds that the person is financially unable to continue to pay retained counsel, the judicial officer may make an original appointment of counsel in accordance with the general procedure set forth in this Plan.

6. If a person having a right to counsel (i.e., where the appointment is not a matter of discretion) is not represented by counsel before the judicial officer and seeks to waive his or her right to have appointed counsel, the judicial officer shall make appropriate inquiry regarding such a waiver. If the person admits or the judicial officer finds that the person is financially able to obtain counsel but declines to do so, the judicial officer shall certify that fact in the record of the proceedings.

B. The Clerk

If a person having a right to counsel desires to have counsel appointed, then

(a) if no affidavit of financial ability to employ counsel has been filed with the Clerk, a form affidavit shall promptly be sent to the person, to be filled out by the person and returned to the Clerk; or

(b) if the notice to the Clerk includes an affidavit of financial inability to employ counsel, the Clerk shall promptly communicate with a judicial officer for consideration of the appointment of counsel.

C. Obligation Of Counsel

1. Counsel appointed to represent a client under the Criminal Justice Act shall be obligated to provide that client with the same quality, skill, and loyalty of representation as privately retained counsel would provide.

2. Attorneys appointed pursuant to the CJA shall conform to the highest standards of professional conduct, including but not limited to the provisions of The Alabama Bar's Rules of Professional Conduct and Guidelines for Professional Conduct.

3. Counsel appointed by a judicial officer shall, unless excused by order of court, continue to act for the person throughout the proceedings in this Court. Appointed counsel is expected to appear personally at all proceedings, with substitutions or the filing of additional appearances permitted only with leave of the Court. The judicial officer before whom a case is pending may, in the interest of justice, substitute one appointed counsel for another at any stage of the proceedings.

4. If, at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as a privileged communication, counsel shall advise the Court.

5. In all criminal cases, appointed counsel shall advise the defendant of the right to appeal and of the right to counsel on appeal. If requested to do so by the defendant in a criminal case, counsel shall file a timely Notice of Appeal, and shall continue to represent the defendant, unless, or until, relieved by the district court or the court of appeals.

X. INVESTIGATIVE, EXPERT, AND OTHER SERVICES

Counsel (whether or not appointed under the Act) for a person who is financially unable to obtain investigative, expert, or other services for an adequate defense in his or her case may request such services in an *ex parte* application before a judicial officer, as provided in 18 U.S.C. § 3006A(e)(1). Upon finding that the services are appropriate and that the person is financially unable to obtain them, the judicial officer shall authorize counsel to obtain such services. Appointed counsel may obtain, subject to later judicial review, investigative, expert, or other services without prior authorization, pursuant to the dollar limitation set out in 18 U.S.C. § 3006A(e)(2). Counsel shall comply with all provisions regarding financial limitations and requests for services, as set forth in 18 U.S.C. § 3006A(e), and any guidelines or regulations approved by the Judicial Conference of the United States.

XI. COMPENSATION

Payment of fees and expenses to counsel appointed under this Plan, and payment for investigative, expert, and other services incurred, shall be made in accordance with any statutory limitations and such rules, regulations, and guidelines as have been or may be prescribed from time to time by the Judicial Conference of the United States, and in accordance with the fiscal policies of the Administrative Office of the United States Courts. No appointed counsel may request or accept any payment or promise of payment for assisting in the representation of a person, unless such payment is approved by order of court. Payment in excess of any maximum amount provided by statute or otherwise may be made for extended or complex representation, whenever the court in

which the representation was rendered certifies that the amount of the excess payment is necessary to provide fair compensation, and the payment is approved by the Chief Judge of the Eleventh Circuit or the Chief Judge's designee.

Claims for compensation of private attorneys providing representation under the CJA shall be submitted on the appropriate CJA form to the office of the Clerk of Court. That office shall review the claim form for mathematical and technical accuracy and for conformity with the CJA Guidelines and, if the claim is correct in form, shall forward the claim form for the consideration of the appropriate judge or magistrate judge. After review of any submissions by appointed counsel and the completion of any other steps deemed appropriate by the Court, the judicial officer shall take action on the voucher, consistent with this Plan, the CJA, and the interests of justice.

XII. EFFECTIVE DATE

This Plan, as amended this 11th day of May, 2006, shall take effect when approved by the Judicial Council of the Eleventh Circuit. This Plan supersedes all prior Criminal Justice Act plans of this Court.